



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

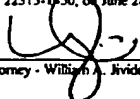
Application of

Applicant(s) : Er-Xuan Ping  
Serial No. : 10/732,962  
Filed : December 11, 2003  
Title : EVEN NUCLEATION BETWEEN SILICON AND OXIDE  
SURFACES FOR THIN SILICON NITRIDE FILM GROWTH  
Docket : MIO 0088 V3/40509.280  
Confirmation No. : 9292

**MAIL STOP PETITIONS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 28, 2004.

  
Attorney - William A. Jividen

Reg. No. 42,695

Sir:

**PETITION TO WITHDRAW THE NOTICE OF INCOMPLETE  
NONPROVISIONAL APPLICATION**

Applicant hereby petitions the Commissioner to withdraw the Notice of Incomplete Nonprovisional Application issued on June 22, 2004. The petition fee of \$130.00 pursuant to 37 CFR 1.17(h) is enclosed. Pursuant to the Notice of Incomplete Nonprovisional Application (return copy enclosed), enclosed are the formal drawings as deposited on December 11, 2003 and a copy of the Declaration from the prior (parent) application pursuant to 37 CFR 1.53(b) and is in compliance with 37 CFR §1.63.

Applicant also encloses copies of the Utility Patent Application Transmittal, Initial Information Data Sheet, and return receipt post card all indicating that the drawings and the Declaration from the prior (parent) application were submitted on December 11, 2003.

Adjustment date: 12/27/2004 SDIRETA2  
07/02/2004 BABRAHA1 00000015 10732962  
01 FC:1460 -130.00 DP

7/02/2004 BABRAHA1 00000015 10732962

1 FC:1460 130.00 DP

Refund Ref: 12/27/2004 SDIRETA2 0000140992

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PATENT DIVISION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of

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**MAIL STOP 16**

Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Attorney - William A. Jividen

Reg. No. 42,695


Sir:

REQUEST FOR REFUND

Applicant hereby requests a refund in the amount of \$130.00. A Petition to Withdraw the Notice of Incomplete Nonprovisional Application filed on June 28, 2004 was granted and the Notice mailed on June 22, 2004 was sent in error and is hereby vacated. A copy of the Decision is enclosed.

Accordingly, Applicant requests a refund in the amount of \$130.00 be sent in the form of a check to the address below. Please direct any questions or comments to the undersigned attorney.

Respectfully submitted,  
DINSMORE & SHOHL LLP

By   
William A. Jividen  
Registration No. 42,695

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One South Main Street, Suite 1300  
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WAJ/amm  
Encl.



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Paper No. None

DINSMORE & SHOHL LLP  
Suite 500  
One Dayton Centre  
Dayton OH 45402-2023

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OFFICE OF PETITIONS

In re Application of  
Er-Xuan Ping  
Application No. 10/732,962  
Filed: December 11, 2003  
Attorney Docket No. MIO 0088  
V3/40509.280  
Title: EVEN NUCLEATION BETWEEN  
SILICON AND OXIDE SURFACES FOR  
THIN SILICON NITRIDE FILM GROWTH

DECISION ON PETITION UNDER  
37 C.F.R. § 1.53

COPY

This is a decision on the petition filed June 30, 2004.

On December 11, 2003, the above-identified application was deposited. On June 22, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application - Filing Date Not Granted (notice)", stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the receipt of drawings. The Notice set a two-month period for response.

On June 30, 2004, Petitioner submitted a petition under 37 C.F.R. § 1.53. The petition is further accompanied by the petition fee and a copy of 3 sheets of drawings containing Figures 1-3, along with a copy of applicants' postcard receipt acknowledging receipt of "one set of formal drawings (3 pages)" in the United States Patent and Trademark Office (Office) on December 11, 2003. Applicants request that the application, including Figures 1-3, be accorded a filing date of December 11, 2003. Upon review of the electronic record, the above-mentioned figures have not been located among the application papers. However, the

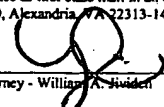
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